

PLANNING COMMISSION MINUTES

November 28, 2001

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:05 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Brian Lynott and Dan Maks. Planning Commissioner Russell Davis was excused.

Development Services Manager Steven Sparks, AICP, Planning Consultant Irish Bunnell, Transportation Planner Don Gustafson, Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item.

CATHERINE ARNOLD expressed her appreciation of the expertise and efforts of the Planning Commission and her regret that so few members of the public have participated in the numerous important decisions that are made by this body. Submitting copies of a communication, dated November 28, 2001, regarding the proposed TA 2001-0002 – Chapter 50 Update Text Amendment, she repeated a quote by Margaret Mead, as follows: “Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.”

STAFF COMMUNICATION:

On question, staff indicated that there were no communications.

1 **OLD BUSINESS:**

2
3 Chairman Voytilla opened the Public Hearing and read the format for Public
4 Hearings. There were no disqualifications of the Planning Commission members.
5 No one in the audience challenged the right of any Commissioner to hear any of
6 the agenda items, to participate in the hearing or requested that the hearing be
7 postponed to a later date. He asked if there were any ex parte contact, conflict of
8 interest or disqualifications in any of the hearings on the agenda. There was no
9 response.

10
11 **CONTINUANCES:**

12
13 A. **CUP 2001-0017 -- PRINCE OF PEACE LUTHERAN CHURCH**
14 **EXPANSION CONDITIONAL USE PERMIT**

15 This land use application has been submitted requesting Planning Commission
16 approval of a Conditional Use Permit (CUP), which is required for church
17 facilities located within the R-7 zoning district, for the expansion of the
18 existing church facility. This proposal involves the two-phased construction
19 of new church facilities, Phase One of which includes the addition of a 6,000
20 square foot multi-purpose building. Phase Two of the proposal includes the
21 demolition of the existing church building and construction of a 15,000 square
22 foot addition to the Phase One multi-purpose building, with associated
23 parking and landscaping improvements. The development proposal is located
24 at 14175 NW Cornell Road, and is more specifically described on Washington
25 County Assessor's Map 1N1-33BB, Tax Lot 6900. The site is zoned Urban
26 Standard Density (R-7), and is approximately 3.59 acres in size. A decision
27 for action on the proposed development shall be based upon the approval
28 criteria listed in Section 40.05.15.2.C.

29
30 Observing that he had made two site visits, Commissioner Maks stated that he had
31 not had any contact with any individuals regarding this application.

32
33 Noting that he had been absent at the previous hearing regarding this issue,
34 Commissioner Lynott recused himself from participating on this issue and
35 temporarily left the dais.

36
37 Clarifying that the Variance request had been denied on October 31, 2001 and
38 should have not been included on the agenda, Associate Planner Tyler Ryerson
39 explained that the Conditional Use Permit request had been continued in order to
40 allow the applicant to attempt to address certain issues and provide their Traffic
41 Engineer to provide additional information. Concluding, he offered to respond to
42 questions or comments.

43
44 Observing that members of the Planning Commission had received his
45 Memorandum, Chairman Voytilla questioned whether a supplemental Staff
46 Report had been prepared.

1 Advising Chairman Voytilla that he had not prepared a supplemental Staff Report,
2 Mr. Ryerson stated that the applicant's Traffic Engineer should address the issues
3 that had been brought up.
4

5 **APPLICANT:**
6

7 On behalf of the applicant, **LARRY ABELL**, expressed his appreciation for the
8 opportunity to address further issues, observing that their Traffic Engineer, Frank
9 Charbonneau, and representatives of the church are available to respond to any
10 questions or comments. Observing that it had been necessary to address issues
11 resulting from the denial of the Variance, he pointed out that the applicant had
12 made revisions to the site plan and necessary adjustments to the design. He also
13 discussed issues with the parking situation, noting that adjustments had been
14 made to accommodate 150 cars at the east end of the parking lot, if necessary. He
15 pointed out that the church has been very diligent in contacting adjacent property
16 owners to obtain written acknowledgement of their understanding of the use of
17 those adjacent parking spaces. Observing that one of these acknowledgements,
18 from the *State Farm Insurance Agency*, is available within the packets, he noted
19 that he would like to enter into the record a similar acknowledgement from
20 *Columbia Sportswear Company*. Noting that this project would be completed in
21 several phases, he pointed out that the applicant intends to complete Phase 1,
22 which would leave the parking in its current situation, adding that Phase 2 would
23 create additional parking, as shown, with a provision for an additional 21 spaces,
24 if necessary, for a total of 150 spaces. He emphasized that this meets the
25 applicable criteria for on-site parking, adding that the Traffic Engineer would
26 address further parking issues. He commented that the other traffic on the site, in
27 terms of the right-turn queuing and the left-hand queuing into the site, has also
28 been addressed, adding that the applicant has attempted to address concerns that
29 had been raised at the previous Public Hearing.
30

31 **FRANK CHARBONNEAU**, representing *Charbonneau Engineering*, mentioned
32 that his firm had prepared the initial traffic study last spring, adding that he had
33 been made aware of the issues and questions that had been brought up at the
34 previous Public Hearing. Noting that he had attempted to address these issues in
35 a Memorandum that had been submitted, he offered to respond to any questions
36 and comments.
37

38 Commissioner Maks informed Mr. Charbonneau that the Memorandum had
39 addressed his concerns and complimented the applicant for pursuing the shared
40 parking. Observing that *State Farm Insurance Agency* owns their property, he
41 questioned whether *Columbia Sportswear* owns or leases their property. He
42 emphasized that the shared parking is only official if all property owners agree
43 and sign.
44

45 Mr. Abell informed Commissioner Maks that because Columbia Sportswear had
46 taken a great deal of time to respond, he assumed that they had deliberated with

1 any landlord, if one even exists, adding that this landlord has the ability to act
2 upon the request.

3
4 Commissioner Maks pointed out that the applicant had exhibited tremendous
5 diligence in attempting to address the parking issue, emphasizing that *Columbia*
6 *Sportswear* could be replaced by another business at some future point, causing
7 the applicant to lose that parking. He questioned whether another potential site is
8 available that could provide additional shared parking, if necessary.

9
10 Mr. Abell mentioned that the applicant had considered other parking in the area,
11 such as the school, noting that they had not felt that the parking at the school
12 would be as secure as the parking at *Columbia Sportswear*. Observing that this
13 parking adequately met their needs, he pointed out that this is where they had
14 focused their attention. He mentioned that there are other properties in the area
15 that could be considered in the event that the parking at *Columbia Sportswear* is
16 no longer available.

17
18 Commissioner Barnard expressed his appreciation to the applicant for their
19 efforts.

20
21 **DICK NICOLL**, commented that drop-off areas are provided at the church,
22 noting that some individuals drive in, drop off their children and don't stay to park.
23 He discussed the parking lot situation, observing that approximately forty cars are
24 parked there during the early service and that approximately fifty cars park their
25 during the later service.

26
27 Commissioner Maks questioned which activities the children are being dropped
28 off to participate in.

29
30 Mr. Nicoll suggested that although their parents do not attend church some
31 children are dropped off to attend services.

32
33 Commissioner Maks requested clarification of whether these children are actually
34 entering the sanctuary, rather than somewhere else while the sanctuary is open.

35
36 Mr. Nicoll stated that he observes children being dropped off to enter the
37 sanctuary to attend services.

38
39 **PUBLIC TESTIMONY:**

40
41 On question, no member of the public appeared to testify regarding this
42 application.

43
44 The public portion of the Public Hearing was closed.
45

1 Mr. Ryerson compared the parking situation to the one that exists at The Hoop,
2 emphasizing that it is still necessary to go through the administrative process to
3 make certain that the property owner's signature is obtained and noted that
4 Assistant City Attorney Ted Naemura should be able to expand on this issue.

5
6 Assistant City Attorney Ted Naemura discussed somewhat similar conditions that
7 applied to a previous application for The Hoop, clarifying that this issue could be
8 resolved by clearly demonstrating that the landowner has granted this usage to
9 another landowner. He recommended that documentation be obtained to confirm
10 this agreement, suggesting that an appropriate Condition of Approval be created.

11
12 Chairman Voytilla questioned whether this should be in the form of a general
13 Condition of Approval.

14
15 Mr. Naemura cautioned that this should not be conditioned in a way that would be
16 impossible for the applicant to fulfill, noting that if a property owner is not willing
17 to comply, the applicant has a problem.

18
19 Commissioner Maks expressed concern with a property owner providing
20 permission for shared parking when it could conceivably affect their ability to
21 lease their property to another business at some future point. He questioned
22 whether the City Council would be comfortable with the Planning Commission
23 determining, based upon what has been presented, that there is a need for
24 additional parking, in order to quantify what additional parking would be
25 necessary off-site, adding that a Condition of Approval could provide that the
26 applicant, upon the request of the City of Beaverton, shall provide evidence that
27 they have available to them a certain amount of shared parking spaces.

28
29 Mr. Naemura discussed the differences between a temporary parking privilege
30 and a shared parking agreement, adding that it could be the opinion of the
31 Planning Commission that an applicant is required to meet certain criteria.

32
33 Commissioner Maks pointed out that the local high schools allow certain groups,
34 such as Portland Community College (PCC), to utilize a certain number of
35 classrooms three times a week.

36
37 Mr. Naemura suggested that the applicant should address these issues.

38
39 Commissioner Maks pointed out that the applicant's efforts had successfully
40 brought this application forward.

41
42 Mr. Naemura observed that the off-site parking requirements would most likely
43 be effective only on Sundays, emphasizing that this should be clarified within the
44 Conditions of Approval.

45

1 Commissioner Barnard discussed the parking ratios, noting that he is satisfied
2 with the 0.5 parking ratio.

3
4 Pointing out that the applicant had addressed applicable requirements for both
5 minimum and maximum parking, Mr. Ryerson suggested the possibility of
6 expanding beyond what is shown on Phase 2 of their plan. He noted that they
7 have demonstrated that they are able to accommodate 150 parking spaces through
8 additional on-site opportunities, noting that 129 parking spaces have been
9 proposed and that an additional 21 parking spaces could be gained on-site.

10
11 Commissioner Maks requested clarification of the maximum number of parking
12 spaces allowed.

13
14 Noting that 240 are the maximum amount of parking spaces allowed, Mr. Ryerson
15 agreed that this is excessive.

16
17 Expressing his support of the application, Commissioner Johansen commended
18 the applicant for their efforts and expressed his opinion that the need for off-site
19 parking should be discussed further and possibly included as a Condition of
20 Approval.

21
22 Chairman Voytilla stated that he supports the application, noting that while it
23 meets applicable criteria, he is concerned with providing additional off-site
24 parking.

25
26 Commissioner Barnard stated that the applicant had made an outstanding effort
27 and adequately addressed issues of concern. He pointed out that the applicant
28 provided the required 150 parking spaces, and is now being asked to provide forty
29 additional parking spaces, emphasizing that he is in full support of the request
30 with no additional Conditions of Approval.

31
32 Commissioner Bliss expressed his agreement with Commissioner Barnard, noting
33 that the applicant had provided twice the minimum requirement for on-site
34 parking, with a commitment for as many as 300 additional parking spaces. He
35 expressed his support of the request without any additional Conditions of
36 Approval.

37
38 Commissioner Maks stated that this is a great location for both the church and the
39 expansion, adding that the applicant had addressed the issues. He pointed out that
40 at the previous Public Hearing, the applicant had been informed that just because
41 the Planning Commission is requesting 150 parking spaces does not necessarily
42 mean it would be approved when this has been provided. He also stated that he
43 does not understand how the applicant is doubling the minimum requirement,
44 adding that the minimum requirement for an attendance of 500 individuals, as
45 indicated for weddings, funerals, Easter programs and Christmas programs, etc.,
46 would actually be 125 parking spaces. He noted that while the required parking is

1 not doubled, it is adequate, adding that those individuals who want to attend
2 functions at the church would find available parking.

3
4 Chairman Voytilla observed that this use would not create the neighborhood
5 impact that had been experienced with other similar requests, adding that while he
6 wonders whether there would even be any parking issues, they could very likely
7 be easily addressed.

8
9 Commissioner Maks expressed his opinion that occasional parking issues could
10 occur, observing that a wedding party of 500 could create the need for 180 to 200
11 parking spaces, including caterers, photographers and floral arrangements. He
12 pointed out that with 150 parking spaces available on site, the overflow would be
13 minimal, adding that the applicant should be able to make temporary
14 arrangements for parking on other nearby property. He noted that because a
15 Conditional Use Permit runs with the land, it should not be necessary to provide
16 any additional Conditions of Approval.

17
18 Commissioner Johansen stated that he has been persuaded and is now comfortable
19 with the 150 parking spaces available on site.

20
21 Commissioner Barnard **MOVED** that CUP 2001-0017 – Prince of Peace Lutheran
22 Church Expansion Conditional Use Permit be **APPROVED**, based upon the
23 testimony, reports and exhibits presented during the Public Hearing on the matter
24 and upon the background facts, findings and conclusions found in the Staff Report
25 dated October 24, 2001, as amended, including Conditions of Approval Nos. 1
26 through 4.

27
28 Chairman Voytilla pointed out that no Supplemental Staff Report had been
29 provided to address the additional information presented this evening, adding that
30 approval should also be based upon the revised materials submitted.

31
32 Mr. Naemura mentioned that several additional findings would have to be
33 included in the final order to address items that had been submitted this evening.

34
35 Commissioner Barnard made a friendly amendment to his motion to include the
36 documents submitted by the applicant at the Public Hearing on November 28,
37 2001.

38
39 On question, Commissioner Maks was informed that Commissioner Barnard's
40 motion had included the Staff Report, as amended.

41
42 Commissioner Maks **SECONDED** the motion, as amended.

43
44 Motion **CARRIED**, unanimously.

45
46 7:46 p.m. until 7:56 p.m. – recess.

1 7:57 p.m. – Mr. Ryerson left.

2
3 7:57 p.m. – Commissioner Lynott returned to the dais to participate in the
4 remaining agenda items.

5
6 **B. TA 2001-0001 – CHAPTER 40 UPDATE TEXT AMENDMENT**

7 (Continued from November 14, 2001)

8 The City of Beaverton has proposed a comprehensive update of Chapter 40
9 (Permits and Applications) of the Beaverton Development Code. The
10 proposed amendments will establish the development applications to be
11 required in the City, the threshold(s) for determining the proper type of
12 application to be required, and the approval criteria by which the
13 application(s) will be evaluated. The existing Development Code contains
14 many of the same applications, thresholds, and approval criteria. The
15 proposed amendment will modify the existing applications, thresholds, and
16 approval criteria and add new applications, thresholds, and approval criteria.
17

18 **C. TA 2001-0002 – CHAPTER 50 UPDATE TEXT AMENDMENT**

19 (Continued from November 14, 2001)

20 The City of Beaverton has proposed a comprehensive update of Chapter 50
21 (Procedures) of the Beaverton Development Code. The proposed
22 amendments will establish the procedures by which development applications
23 will be processed in the City. The procedures include, but are not limited to,
24 initiation of an application, withdrawal of an application, application
25 completeness, Type 1 through Type 4 application processes, and appeal(s),
26 expiration, extension, and modification of decisions. The proposed
27 amendment will modify existing procedures found in the Development Code
28 and establish new procedures to be made a part of the Code.
29

30 **D. TA 2001-0003 – CHAPTER 10 UPDATE TEXT AMENDMENT**

31 (Continued from November 14, 2001)

32 The City of Beaverton has proposed a comprehensive update of Chapter 10
33 (General Provisions) of the Beaverton Development Code. The proposed
34 amendments will establish the legal framework of the Development Code.
35 Topics include, but are not limited to, compliance, interpretation, zoning
36 districts, zoning map, fees, conditions of approval, enforcement, and
37 development review participants. Development review participants include
38 the City Council, Planning Commission, Board of Design Review, Facilities
39 Review Committee, and the Community Development Director.
40

41 **E. TA 2001-0004 – CHAPTER 60 UPDATE TEXT AMENDMENT**

42 (Continued from November 14, 2001)

43 The City of Beaverton has proposed amendments to Chapter 60 (Special
44 Requirements) of the Beaverton Development Code. The proposed
45 amendments have been necessitated by the comprehensive updates to Chapter
46 40 and Chapter 50 of the Development Code. The proposed amendments will

1 establish new special requirements for Land Division Standards and Planned
2 Unit Development. The amendments propose to modify existing Special Use
3 Regulations for Accessory Dwelling Unit, Accessory Uses and Structures, as
4 well as existing special requirements for Transportation Facilities and Trees
5 and Vegetation. The amendments also propose to delete the provisions
6 pertaining to Historic Preservation and Temporary Use Permits.
7

8 **F. TA 2001-0005 – CHAPTER 90 UPDATE TEXT AMENDMENT**

9 (Continued from November 14, 2001)

10 The City of Beaverton has proposed amendments to Chapter 90 (Definitions)
11 of the Beaverton Development Code. The proposed amendments have been
12 necessitated by the comprehensive updates to Chapter 40 and Chapter 50 of
13 the Development Code. The proposed amendments will add definitions of
14 new terms and amend existing definitions of terms use in the Development
15 Code.
16

17 **G. TA 2001-0007 – BEAVERTON MUNICIPAL CODE TEXT**
18 **AMENDMENT**

19 (Continued from November 14, 2001)

20 The City of Beaverton has proposed amendments to the Beaverton Municipal
21 Code. The proposed amendments have been necessitated by the
22 comprehensive updates to Chapter 40 and Chapter 50 of the Development
23 Code. The proposed amendments will ensure that there is consistency
24 between the provisions of the Municipal Code and the Development Code.
25

26 **H. TA 2001-0008 – CHAPTER 20 UPDATE TEXT AMENDMENT**

27 (Continued from November 14, 2001)

28 The City of Beaverton has proposed amendments to Chapter 20 (Land Uses)
29 of Code. The proposed amendments have been necessitated by the
30 comprehensive updates to Chapter 40 and Chapter 50 of the Development
31 Code. The proposed amendments will also reorganize the Multiple Use
32 zoning (Section 20.20) to make the Multiple Use zoning text read more
33 clearly.
34

35 Development Services Manager Steven Sparks introduced Planning Consultant
36 Irish Bunnell and noted that an additional prepared Staff Report is not available at
37 this time. Observing that the Planning Commission had closed public testimony
38 at their meeting of November 7, 2001, he emphasized that they have the option of
39 reopening the Public Hearing to receive additional public testimony. He
40 discussed two items of late mail that had been received regarding the proposed
41 text amendments, as follows: 1) Pat Russell, dated November 21, 2001; and 2)
42 Dick Schouten, dated November 27, 2001, adding that these would be included in
43 the record. He discussed the procedure for reviewing the materials, observing that
44 both Chapters 40 and 50 had been reviewed at the meeting of November 14, 2001,
45 suggesting that the Public Hearing be opened to accept public testimony, followed
46 by a discussion of the remaining chapters of the proposed project, adding that the

1 Public Hearing should be continued to December 19, 2001, at which time staff
2 would return with a body of proposed revisions to review and consider for all six
3 chapters to be affected. Concluding, he offered to respond to any questions or
4 comments.

5
6 Chairman Voytilla mentioned the letter that Catherine Arnold had submitted
7 during the visitor's section of the meeting.

8
9 Mr. Sparks noted that Ms. Arnold's letter, dated November 28, 2001, would also
10 be submitted into the record.

11
12 Following a brief discussion, all members of the Planning Commission agreed to
13 reopen the Public Hearing to public testimony regarding the proposed text
14 amendments.

15
16 **PUBLIC TESTIMONY:**

17
18 On behalf of the Citizens Committee for Involvement (CCI), Ms. Arnold
19 requested that the Public Hearing be continued until after then next meeting of the
20 CCI at the end of January 2002. Observing that many issues are involved, she
21 noted that while CCI has been discussing the issues, they only meet on a monthly
22 basis. She mentioned that although Community Development Director Joe Grillo
23 had attended their last meeting, no staff had attended any of the meetings prior to
24 that. Noting that they had made an effort to review and discuss the issues to the
25 best of their ability with the knowledge that had been available to them, she
26 emphasized that the Neighborhood Advisory Committees (NACs) do not
27 understand the issues and need to rely on the expertise of CCI, adding that citizen
28 involvement is slow getting people to understand. She mentioned that there had
29 been a lack of understanding, noting that they had believed that the issues could
30 be addressed at the City Council level.

31
32 Mr. Sparks stated that while he respects Ms. Arnold's concerns, this has been a
33 four-year project, observing that there had been representation on the Code
34 Review Advisory Committee (CRAC), who should have reported back to CCI.
35 He also mentioned that he has personally been to CCI to discuss this issue a
36 minimum of four times over the past two years, at least three of which were in last
37 six months, emphasizing that they have been informed and provided copies of all
38 information and documentation. Expressing his opinion that staff had taken all
39 necessary steps to inform the public, he recommended that the Public Hearing not
40 be continued to a later date. He noted that the Public Hearings had begun on
41 November 7, 2001, emphasizing that Measure 56 notification had been provided
42 to every property owner within the City of Beaverton. He agreed with Ms.
43 Arnold's statement that the individuals on CCI and the different NACs do not
44 have an adequate understanding of many of these issues, noting that he is not
45 certain how to address this issue, other than to state that this is the nature of the
46 beast. Reiterating that this should not be continued to a later date, he emphasized

1 that adequate time has already been provided to the CCI and NACs to comment
2 on the text since at least June of 2001.

3
4 On question, Mr. Bunnell informed Commissioner Maks that staff had intended to
5 save all comments from the Planning Commission until the next meeting, adding
6 that they would prefer to address all issues that have been raised by the Planning
7 Commission at one time.

8
9 Commissioner Maks questioned whether the only significant issues for CCI and
10 the NACs are those three listed on Ms. Arnold's letter, noting that some of the
11 CCI representatives on the CRAC had been satisfied with the revisions that had
12 been made.

13
14 Ms. Arnold agreed that these three issues are the main concerns of CCI and the
15 NACs, emphasizing that while the document is appropriate, there is a definite lack
16 of understanding that would seriously limit citizen participation. She pointed out
17 that concern had been expressed by representatives on the CRAC Committee
18 from the start.

19
20 Noting that these concerns had been identified, Commissioner Maks pointed out
21 that the Public Hearing would already be continued until December 19, 2001,
22 adding that the end of January 2002 is a long time in the future. He expressed his
23 opinion that something could be presented in written form to assist in the
24 decision-making and consensus-building processes to clearly identify what the
25 issue is. He emphasized that it would be necessary to identify the specific issues
26 without proposing code, adding that those involved in the process from the
27 beginning could provide more qualified testimony. He discussed the efforts that
28 had gone into the revisions to the Neighborhood Review Meeting text, adding that
29 he would like to know what the issues are.

30
31 Mr. Sparks discussed Commissioner Maks' comments regarding problems with
32 NAC representatives receiving notification, observing that while he has attempted
33 to discover where the flaw is, he is certain that staff is taking all necessary action.
34 He mentioned that the only thing he can think of is that with all of the
35 development firms in the Metro Region that do business in the City of Beaverton
36 who are aware that a Neighborhood Meeting is necessary, it's possible that they
37 have outdated information regarding the appropriate representatives. He
38 discussed Ms. Arnold's comment that representatives of the CCI on the CRAC
39 Committee had expressed opinions contrary to what is in this recommended
40 document, noting that it is true that they had been very active and made many
41 comments on various issues. Emphasizing that this involves what he referred to
42 as a consensus document, he stated that while not everyone involved had gotten
43 their issues resolved to their own personal satisfaction, there had been a majority
44 consensus on the document that is before the Planning Commission at this time.

45

1 Ms. Arnold stated that while she understands that not everyone agrees on every
2 issue, CCI had not just come up with this issue recently, emphasizing that it had
3 been their understanding that the City Council meeting would be the appropriate
4 place to address their concerns. She requested clarification of the term majority
5 consensus.

6
7 Commissioner Barnard suggested the addition of an entire new chapter to
8 Procedures to address the procedure for a Text Amendment.

9
10 Mr. Sparks advised Commissioner Barnard that the application procedure for a
11 Text Amendment is included in Chapter 40, on page AP-121.

12
13 Commissioner Johansen referred to the request for a continuance of the Public
14 Hearing.

15
16 Observing that this is an exclusionary hearing, Mr. Naemura advised
17 Commissioner Johansen that the rules don't apply to requests for continuances.

18
19 On question, Chairman Voytilla informed Ms. Arnold that the Planning
20 Commissioners would determine whether the Public Hearing would be continued
21 to December 19, 2001 later in the evening.

22
23 **TODD SADLO**, representing *Home Depot, Inc.*, pointed out that he had not been
24 invited to meetings addressing the proposed Development Code changes, noting
25 that although he has only reviewed one issue, he does not understand why it had
26 all changed. He specifically questioned who is the stakeholder who requested a
27 revision of the Temporary Use provisions of the Development Code and also
28 requested clarification of the basis for taking this action. He pointed out that if he
29 could obtain a clear understanding of this by December 19, 2001, he might be
30 willing to withdraw his objections to what is occurring.

31
32 Commissioner Johansen requested clarification of what the Planning Commission
33 intends to do on December 19, 2001,

34
35 Mr. Sparks informed Commissioner Johansen that he would like to continue the
36 review and complete code changes this evening, adding that a document including
37 the suggestions, recommendations, revisions and corrections would be provided
38 seven days in advance of December 19, 2001. He noted that the review would be
39 completed and that he would like to be able to make a favorable recommendation
40 regarding the body of the text for all seven proposed amendments to the City
41 Council at that time.

42
43 Chairman Voytilla questioned whether the public would be allowed to provide
44 written testimony by December 19, 2001, in response to the information provided
45 seven days in advance.

46

1 Mr. Sparks agreed that the public would be permitted to submit written testimony
2 by December 19, 2001, adding that the Staff Report would also provide
3 highlighted and struck out areas to clearly illustrate any revisions.
4

5 Mr. Naemura questioned whether the strikethrough version would compare
6 today's version to that submitted on December 19, 2001.
7

8 Mr. Sparks clarified that the strikethrough version would be an amendment to the
9 text dated November 7, 2001, emphasizing that only those pages with changes,
10 including a new date, would be provided.
11

12 Commissioner Bliss questioned whether the document would be mailed out seven
13 days in advance or personally delivered.
14

15 Mr. Sparks explained the procedure, observing that if there is a Planning
16 Commission Meeting on December 12, 2001, copies of the document would be
17 provided that evening, adding that if there is not a meeting, the documents would
18 be personally delivered.
19

20 The public portion of the Public Hearing was closed.
21

22 Observing that there have been three opportunities for public testimony and that
23 the Public Hearing had been reopened to the public on two occasions,
24 Commissioner Maks emphasized that only written testimony would be accepted
25 prior to December 19, 2001. He requested that additional written information be
26 provided by December 15, 2001, in order to allow staff to provide a
27 Memorandum regarding citizen input prior to the meeting.
28

29 Chairman Voytilla pointed out that because the proposal would only be available
30 on December 12, 2001, the citizens would have very little time to respond by
31 December 15, 2001.
32

33 Mr. Sparks mentioned that it is not absolutely necessary to adopt this proposal on
34 December 19, 2001, noting that it is possible to continue to a later date at that
35 time and that any individual has the ability to submit written testimony up to the
36 date of the hearing.
37

38 Chairman Voytilla pointed out that it is difficult to review materials right before a
39 meeting and have adequate time to consider all of the evidence and make an
40 appropriate decision.
41

42 Mr. Sparks agreed, observing that while staff can at least provide the Planning
43 Commission with an initial reaction to materials submitted just prior to a meeting,
44 this is not as good as having time to consider all that is involved.
45

1 Chairman Voytilla questioned whether staff would have adequate time to prepare
2 a Staff Report a week in advance of December 19, 2001.

3
4 Mr. Sparks informed Chairman Voytilla that staff is prepared to meet the
5 December 12, 2001 deadline to prepare and submit a Staff Report for the meeting
6 of December 19, 2001.

7
8 Observing that the holidays are also in December, Chairman Voytilla questioned
9 which Planning Commissioners would be available for the meeting on December
10 19, 2001.

11
12 Commissioner Lynott advised Chairman Voytilla that he would be leaving on
13 December 17, 2001 for Bosnia.

14
15 Commissioner Johansen stated that he agrees with CCI, observing that there is an
16 ongoing debate regarding their role and that their one of their missions is to
17 involve the public in land use issues. Expressing his opinion that this should
18 become their number one priority, he pointed out that because he feels that there
19 has been sufficient opportunity for anyone interested to become involved, he
20 would not support continuing this issue beyond December 19, 2001 upon the
21 request of CCI only, although other reasons could influence him to reconsider.

22
23 Chairman Voytilla suggested that the Public Hearing not be continued just yet,
24 adding that he would like to continue with deliberations at this time, beginning
25 with Chapter 60.

26
27 Commissioner Barnard referred to Section 65.10, specifically questioning whether
28 a restaurant with a drive-up window is required to provide sufficient parking for
29 anticipated customer volume, pointing out that a restaurant with only a drive-up
30 window would need no parking. He pointed out that he understands the necessity
31 of providing lane movement access and stacking access, adding that parking
32 requirements for a small coffee shop with only a drive-up window seems
33 redundant.

34
35 Mr. Sparks informed Commissioner Barnard that this section is taken absolutely
36 verbatim from Section 60.20.30 of the existing code, adding that he is in
37 agreement with Commissioner Barnard's assessment and because there have been
38 no proposed changes, he has no response at this time.

39
40 Commissioner Bliss referred to page 4 of 51, Item 10.1.B, relating to public
41 easements, expressing his opinion that this section is too broad and onerous, and
42 prohibits financing of development through lot sales.

43
44 Chairman Voytilla requested how much of this section is relocation text and how
45 much is new.

46

1 Mr. Bunnell stated that this entire section is relocation text, adding that while
2 there has been no attempt to change this at this time, much of the text in Chapter
3 60 and Chapter 20 should be reviewed.
4

5 Commissioner Bliss observed that he is having difficulty with the issues at hand,
6 without going through a Text Amendment, expressing his opinion that this
7 procedure is both onerous and time-consuming, particularly to most developers,
8 who don't have the time to deal with this. He pointed out that this should be
9 addressed and not put off for a later time at the cost of a developer.
10

11 Mr. Bunnell agreed, and responded that while the Staff Report should be
12 submitted on December 19, 2001, these additional issues would take months to
13 address and resolve. He commented that staff's approach, at this time is to leave
14 those issues for another day, and try to get something adopted now in a limited
15 way, adding that they would prefer to return and address Chapter 20 and Chapter
16 60 later. He emphasized that while he does not intend to suggest that it is
17 inappropriate to hear those issues, the current goal is to revise Chapter 40 and
18 Chapter 50 and only that which is necessary in the remaining chapters in order to
19 be consistent with the revisions to Chapter 40 and Chapter 50.
20

21 Chairman Voytilla requested clarification of whether this is the best time and
22 place to point out text that does not make sense, provided that the Planning
23 Commission can reach a consensus.
24

25 Observing that this involves Engineering text, Mr. Bunnell pointed out that while
26 he respects Commissioner Bliss' professional opinion, the Director of
27 Engineering and City Engineer, are also available to provide another viewpoint on
28 this text at the appropriate time.
29

30 Expressing his opinion, Commissioner Bliss stated that he had submitted written
31 comments prior to the first Workshop Session on August 14, 2001, adding that
32 there had been an opportunity at that time for staff to relay these concerns to
33 Engineering staff. He emphasized that this is the appropriate time to consider
34 these issues, adding that postponement would only create additional issues. He
35 referred to the tree option on page 9, observing that both Chairman Voytilla and
36 himself had been involved in situations in which the City of Beaverton had
37 ignored two bonds, adding that two developments had ended up with no trees.
38

39 Mr. Sparks responded that the example regarding the street trees had been
40 adopted during July of 1997, adding that this had occurred partially due to the
41 events that Commissioner Bliss had just described. Referring to Mr. Bunnell's
42 earlier comment that the current task involves Chapter 40 and Chapter 50, he
43 pointed out that staff has been constantly reminded that they are expected to keep
44 what he referred to as "Project Creep" to not a minimum, but an absolute zero.
45 Observing that Commissioner Bliss' comments are appreciated and respected, he
46 reiterated that the current task is to complete Chapter 40 and Chapter 50 and

1 associated amendment. He pointed out that while the current sign ordinance is a
2 convoluted mess, staff is purposely not addressing this complicated issue at this
3 time. He noted that following tonight's meeting, staff would respond to any
4 comments in the Staff Report for the next meeting, and that although it would be
5 discussed, he is not able to promise that they would agree with Commissioner
6 Bliss' suggestion to make certain changes in the text at this time.
7

8 Commissioner Bliss stated that he didn't expect that staff would necessarily agree
9 with his statements, adding that he appreciates acknowledgement. He stated that
10 he would like to address other points that he perceives as troublesome, as well.
11 Referring to page 6, relating to existing trees, noting that this suggests that all
12 construction work could be done within the right-of-way. He pointed out that the
13 flatlands are gone and current work is being done within the hillsides, adding that
14 there are a great many nuances to design criteria, some of which involve safety
15 factors beyond the control of the Planning Commission.
16

17 Noting that Ernie Platt had also brought up this issue, Mr. Bunnell commented
18 that staff had intended to prepare and present a proposal that would allow removal
19 of the trees with a subdivision, although this would require a separate application.
20

21 Referring to Section 60.15.154.A on page 6, requiring a developer to provide a
22 detailed cost estimate and an estimated time to complete improvements,
23 Commissioner Bliss stated that while this might not create a problem, he does not
24 believe that this is absolutely necessary. He referred to page 7, item B in the
25 middle of the page, stating that he has no problem with the first sentence. He
26 pointed out the second sentence providing that if work is discontinued for any
27 reason, the City shall be notified and submit written consent before the work
28 resumes could be construed to mean that if he discontinued work today due to
29 weather conditions, he could not resume work the following day without written
30 consent. He suggested that this should include a provision providing that work
31 discontinued for thirty days, or some other period of time, could require this
32 notification and consent.
33

34 Chairman Voytilla requested clarification of the costs identified on page 6,
35 specifically whether this is primarily to determine the surety requirements or
36 permit value.
37

38 Mr. Sparks agreed, adding that he would discuss this text with the City Engineer.
39

40 Commissioner Johansen referred to page 13, line 18, regarding the places of
41 assembly and parking ratios, specifically a library, museum or art gallery, adding
42 that he is confused with the new numbers and their relation to these uses.
43

44 Mr. Sparks pointed out that the parking table had been converted about a year and
45 a half ago in order to be consistent with the table in the Title 2 Metro Functional
46 Plan, adding that there had been a typographical error.

1
2 On question, all Planning Commissioners indicated that they had no other issues
3 to discuss regarding Chapter 60.

4
5 Chairman Voytilla observed that there is consensus on Chapter 60.

6
7 Mr. Sparks stated that based on recommended changes in Section 60.60,
8 regarding trees, there would be some future revisions in that section in order to be
9 consistent with the recommended changes resulting from the work in Chapter 40.

10
11 On question, all Planning Commissioners indicated that they had no issues to
12 discuss regarding Chapter 90.

13
14 On question, all Planning Commissioners indicated that they had no issues to
15 discuss regarding the proposed Beaverton Municipal Code Text Amendment.

16
17 On question, all Planning Commissioners indicated that they had no issues to
18 discuss regarding Chapter 20.

19
20 Observing that this document includes a lot of strikeouts, Commissioner Barnard
21 emphasized that anything that has been struck out should not be re-added
22 somewhere else within the document.

23
24 Mr. Sparks explained that from page 1 of 98 through 34 of 98, most of which has
25 been struck out and replaced is pretty much an even swap, adding that some
26 rephrasing of terms and structural changes to sentences have been made. He
27 mentioned that from pages 35 of 98 through 98 of 98, there has been a complete
28 reorganization within the Development Code, for the purpose of consistency.

29
30 Mr. Sparks clarified his earlier comments, emphasizing that staff is still
31 comfortable with meeting the deadline for the proposed December 12, 2001
32 publication.

33
34 9:10 p.m. to 9:13 p.m. – recess.

35
36 Commissioner Barnard **MOVED** and Commissioner Maks **SECONDED** a
37 motion to continue 1) TA 2001-0001 – Chapter 40 Update Text Amendment; 2)
38 TA 2001-0002 – Chapter 50 Update Text Amendment; 3) TA 2001-0003 –
39 Chapter 10 Update Text Amendment; 4) TA 2001-0004 – Chapter 60 Update Text
40 Amendment; 5) TA 2001-0005 – Chapter 90 Update Text Amendment; 6) TA
41 2001-0007 – Beaverton Municipal Code Text Amendment; and 7) TA 2001-0008
42 – Chapter 20 Update Text Amendment to a date certain of December 19, 2001 for
43 staff to provide necessary documentation and information.

44
45 Motion **CARRIED**, unanimously.

46

1 **APPROVAL OF MINUTES:**
2

3 Minutes of the meeting of October 24, 2001, submitted. Commissioner Maks
4 commended Commissioner Johansen for the superb job he had done while serving
5 as temporary chairman during this meeting. Commissioner Barnard **MOVED**
6 and Commissioner Bliss **SECONDED** a motion that the minutes be approved as
7 written.
8

9 Motion **CARRIED**, unanimously, with the exception of Chairman Voytilla and
10 Commissioner Maks, who abstained from voting on this issue.
11

12 **MISCELLANEOUS BUSINESS:**
13

14 Chairman Voytilla mentioned that the annual holiday luncheon, which is provided
15 for staff by the Planning Commission, is scheduled for 12:00 Noon, on
16 Wednesday, December 19, 2001, in the third floor conference room.
17

18 Observing that there would be a meeting on January 2, 2002, Commissioner
19 Johansen pointed out that he would most likely be unavailable at that time.
20

21 Mr. Sparks mentioned that the meeting on January 2, 2002 involves a monopole
22 on 3rd Street.
23

24 Commissioner Maks pointed out that with no meeting scheduled for January 12,
25 2002, he would like to be able to accept his invitation to provide input to Metro at
26 their meeting on that date.
27

28 Commissioner Barnard suggested that meetings should not be scheduled on
29 certain days, such as Halloween and Valentines Day.
30

31 Emphasizing that he had been married for 26 days, Commissioner Maks
32 questioned why he would want to be home on Valentines Day.
33

34 The meeting adjourned at 9:20 p.m.